

Appl. No. 10/536,851
Reply to Office Action of Nov. 6, 2008

REMARKS

Minor changes have been made to the specification to address the Examiner's objection. Claims 1-11 had been previously cancelled. Claim 12 is amended. Claims 14-23 have been withdrawn. Claims 24-31 have been added as new. Claims 12-31 are pending. Reconsideration and re-examination of the application, as amended, are requested.

Claim 12 is amended so as to overcome the rejection under 35 USC 112 second paragraph (section 4 of the Office Action). Claim 13 is amended so as to correct a clerical error as regards dependency. Added claims 24-30 are supported by the following parts of the specification :

- claim 24 : page 2 lines 30-35, page 6 lines 10-14
- claim 25 : page 2 lines 30-35
- claim 26 : page 2 lines 25-29, page 6 lines 18-34
- claim 27 : page 2 lines 25-29, page 6 lines 18-22
- claim 28 : page 3 lines 5-10, page 7 lines 4-7
- claim 29 : page 4 lines 13-20
- claim 30: page 2 lines 30-35, page 6 lines 10-14
- claim 31 : page 2 line 30 to page 3 line 3

Claims 12 and 13 stand rejected under 35 USC 103 as unpatentable over Golden (US patent 5,351,359) in view of Georgallis (US patent 4,267,585). The Examiner states in section 10 of the Office Action that it would have been obvious to a person skilled in the art to modify the method of Golden for cleaning ropes, lines or similar items by adding steps inspired by Georgallis of providing a hydrodynamic drag structure to the cleaning appliance and towing the elongated article whereby the cleaning appliance is moved along the elongated article in order to reduce the manual operation time for cleaning the article.

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Applicant respectfully disagrees. Applicant is of the opinion that the Examiner's rejection has no legal basis as (i) it is based on an interpretation of both Golden and Georgallis which is incorrect in that it disregards essential features of these references and extracts features out of context ; (ii) it applies features thus extracted from Golden and Georgallis although such application is deterred by, or utterly incompatible with, the context of Golden and Georgallis ; (iii) the reasoning put forward by the Examiner to justify the combination relies on an artificial, non-existing "art" ; (iv) even if Golden and Georgallis were combined in the manner described by the Examiner, the combination would not arrive at the claimed invention.

(a) Discussion of Golden

The Examiner states that Golden "teaches a method for cleaning ropes, lines or similar items (read as elongated article, abstract) comprising the step of attaching around the ropes, lines or similar items a cleaning device (Fig. 4, abstract) including a brush-like scrubbing medium (Fig. 2, abstract)."

Such a statement leaves aside essential features of the scope and teaching of Golden and in so doing, misinterprets Golden. Such essential features, in accordance with the "Summary of the Invention" section, col. 2 lines 41 seq. and the specification, are the following.

1. Golden discloses a scrubbing device for primarily cleaning deployed anchor chains. Deployed anchor chains are in a generally vertical direction (unlike seismic streamers, which are horizontal).
2. The scrubbing device is devoid of metal parts.
3. The scrubbing device is made of light weight buoyant material (unlike seismic streamers and related accessories, which must be neutrally buoyant i.e. have the same density as seawater).
4. The scrubbing device can be easily snapped onto and snapped off a deployed anchor chain.

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5. The scrubbing device is reciprocated up and down along the deployed anchor chain for cleaning the same.
6. Downward motion relies on gravitational forces attributable to a weight attached to the device (col. 5 lines 64-67).

Each of these features is clearly incompatible with the context of the present invention, the purpose of which is the cleaning of seismic streamers. Seismic streamers being horizontal, no action based on gravity is possible and no reciprocating motion is conceivable. In addition, seismic streamers and their related accessories are neutrally buoyant in order for strict depth control to be possible.

In summary, by ignoring essential features of Golden, the Examiner extracts out of context those features which can read on the claim at issue, thus interpreting Golden on the basis of hindsight. In addition, the Examiner disregards essential features of the teaching of Golden which are clearly incompatible with the context of seismic streamers, as explained above.

(b) Discussion of Georgallis

The Examiner states that Georgallis teaches a method for relatively moving a device along a towed cable by providing the device with a hydrodynamic structure and drawing the cable through the device.

Again, this presentation of Georgallis's teaching disregards an essential element : Georgallis specifically refers to a towed cable used for the detection of underwater objects (col. 1 lines 32-33 ; col. 1 lines 50-52 ; col. 4 lines 32-33), not to a seismic streamer used for acquiring signals indicative of the properties of subsurface areas. The Examiner's statement, only finding in Georgallis a "towed cable", disregards the difference between the context of Georgallis and that of the invention and incorrectly extracts out of context the reference to a towed cable and generalizes this feature so that it encompasses the seismic streamer recited in claim 12.

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(c) Motivation for a person skilled in the art to consider Golden

The reliance on Golden in the Examiner's reasoning is based on an incorrect interpretation of Golden which disregards essential features. Essential features taught by Golden are, as exposed in detail in (a) above, utterly incompatible with the context of the invention, i.e. seismic streamers. Taking this into account leads to the conclusion that not only is there no incentive or motivation for a person skilled in the art to consider the teachings of Golden, but the person skilled in the art would be dissuaded from considering these teachings.

(d) Discussion of the "brush cleaning art" referred to in the Examiner's reasoning

The Examiner's combination of Golden and Georgallis relies on the reference to a "brush cleaning art". In other words, the Examiner assumes the existence of a technical field dedicated to "brush cleaning" and consequently of persons skilled in this field. Applicant disagrees. There is no "brush cleaning art" and no specialists of such an "art". Devices used for cleaning anchor lines are entirely different and unrelated to devices for cleaning seismic streamers. It is obvious, when comparing the device disclosed by Golden and the cleaning tool disclosed in the present application, that they have nothing in common.

(e) Result of notional combination of Golden and Georgallis

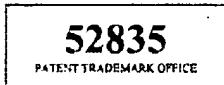
As explained in (b), Georgallis does not refer to a seismic streamer, but to a towed cable used for detecting underwater objects. Golden discloses a device for cleaning a deployed anchor line or similar lines and does not refer to seismic streamers. As clear from the foregoing, Applicant considers that the Examiner's reasoning based on a combination of Golden and Georgallis incorrectly interprets these references. But let us assume such a combination since none of these references refer to seismic streamers: no combination whatsoever of these references can arrive at a method for cleaning seismic streamers.

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In view of the above, claim 12 does not follow from a consideration of the references. Claim 12 is non-obvious. Claim 13 which depends from claim 12 further defines the step of moving the cleaning appliance along the seismic streamer and doing so at a specified velocity. This limitation is not addressed in either reference. Hence, claim 13 is independently patentable. Likewise, new claims 24-29 further limit the process of claim 12 and are not addressed by the references. Claims 30 and 31 are independent, but are drawn to the same process as earlier elected in response to the Restriction Requirement. These claims are patentable for at least the same reason as claim 12 and are further limited relative to independent claim 12.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration and re-examination are requested. Allowance of claims 12-13 and 24-31 at an early date is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Curtis B. Hamre, Reg. No. 29,165 at (612) 455-3802.

Respectfully submitted,



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